

REMARKSStatus of the Application

Claims 1-11 are pending. Claims 8-11 have been withdrawn from consideration. Claims 1-5 and 7 are rejected. Claim 6 is objected to.

Examiner Interview

Applicant and his attorney thank Examiner Chan for the telephone interview on July 12, 2005.

Section 102 Rejections

Claims 1-5 and 7 have been rejected under 35 U.S.C. Section 102 as being anticipated by Ashley U.S. Patent No. 5,152,594. In response, applicants have amended claim 1 to distinguish Ashley, as well as the other cited art.

Amended claim 1 now requires that the tubular member comprise a first vertical section extending upward from the product supporting surface to form a shelf in which the product can nest. Referring to the embodiment depicted in Figure 3, the first vertical section 44 extends upward from the product supporting surface 42 to form a shelf in which product P nests. By contrast, Ashley teaches a product supporting surface 24 (Ashley Fig. 4), but Ashley does not teach a vertical section extending upward from the product support surface to form a shelf. As for the other cited references, Heuss 5,913,501 appears to teach a vertical section extending upward from a product supporting surface to form a shelf (see surfaces 27 and 25 on the L-shaped corner members), but Heuss does not teach other features of Applicant's invention, including the use of a hollow tubular member.

Regarding claim 2, it has been amended to require that the pockets are "L-shaped" and formed in the hollow tubular member. The examiner alleges that Ashley teaches pockets (62 or

38) at one or more corners. Element 62 is a triangular gusset welded to the base. (Col. 4, line 26) Gusset 62 does have holes 64, but they are not L-shaped and they are not formed in the hollow tubular member. Holes 38 are formed in the hollow tubular member but they are not L-shaped. Ashley's holes 38 are configured to allow folding of the tube 18 (col. 3, line 50) and drainage of "post-fabrication fluids." (col. 4, lines 21-23), and not to receive vertical stacking posts.

Regarding claim 3, it has been amended to require holes disposed in the product supporting surface distant (away from) the fold lines. Ashley's holes 64 are not disposed in the product supporting surface 24. Ashley's hole 46 is disposed in the product supporting surface, but it is not distant the corner fold line.

Objected To Claim(s)

Applicant notes with appreciation the Examiner's statement that claim 6 would be allowable if rewritten in independent form.

New Claims


New claim 12 includes all the limitations of base claim 1 plus the further limitation that the elongated hollow tubular member is made from paperboard. This new claim is supported in the specification as filed at paragraph 0014. Paperboard confers a unique advantage in that, due to its strength and resilience, it provides both cushioning and protection to the product, unlike the metal base of Ashley.

New claim 13 includes all the limitations of base claim 1 plus the further limitation that the elongated hollow tubular member is made from extruded plastic, as supported in the specification as filed at paragraph 0013.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed March 14, 2005, and an early and favorable action allowing claims 1-7 and 12-13 is respectfully requested. The Examiner is invited to telephone Applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,


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